## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Brian Paige Isdell, Jr., # 202136,	)	C/A No. 9:05-2540-CMC-GCK
Plaintiff,	)	OPINION AND ORDER
	)	
<b>v.</b>	)	
	)	
<b>Sumter County Solicitor's Office</b> ;	)	
3rd Circuit Court;	)	
Sumter County; and	)	
C. Kelly Jackson, Solicitor for Third Judicial	)	
Circuit of South Carolina,	)	
	)	
Defendants.	)	
	)	

The *pro se* Plaintiff was a pretrial detainee at the Sumter-Lee Regional Detention Center in Sumter, South Carolina, at the time he filed this action pursuant to 42 U.S.C. § 1983. Plaintiff's complaint reveals that this civil rights action arises out of Plaintiff's pending criminal case in the Court of General Sessions for Sumter County and in the Magistrate Court for Sumter County.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b), (d), and (e), DSC, this matter was referred to United States Magistrate Judge George C. Kosko for pre-trial proceedings and a Report and Recommendation. On September 12, 2005, the Magistrate Judge issued a Report recommending that this case be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. In response to the Report and Recommendation, Plaintiff filed his objections September 27, 2005.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court.

See Mathews v. Weber, 423 U.S. 261 (1976). The court is charged with making a de novo

determination of any portion of the Report and Recommendation of the Magistrate Judge to which

a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with

instructions. See 28 U.S.C. § 636(b).

The court has carefully considered Plaintiff's objections and finds them to be without merit.

After reviewing the record of this matter, the applicable law, and the Report and Recommendation

of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Therefore,

the court adopts and incorporates the Report and Recommendation by reference in this order.

Plaintiff's complaint fails to state a viable claim under 42 U.S.C. § 1983.

IT IS THEREFORE ORDERED that this matter is **DISMISSED** without prejudice and

without issuance and service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina October 20, 2005